

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY ALLIANCE FOR FAIR COMPETITION,)
INC., ET AL.)

COMPLAINANTS)

VS.)

LOUISVILLE GAS & ELECTRIC COMPANY)

DEFENDANT)

CASE NO. 91-243

ORDER TO SATISFY OR ANSWER

Louisville Gas & Electric Company is hereby notified that it has been named as defendant in a formal complaint filed on July 16, 1991, a copy of which is attached hereto.

The complaint states three counts: Count I alleges a violation of Section 210 of the Kentucky Constitution; Count II alleges a violation of Commission Regulation 807 KAR 5:016; and Count III alleges violations of the Kentucky Building Code and Jefferson County Ordinance. The Commission's jurisdiction is limited by KRS 278.040(1) to enforce the provisions of KRS Chapter 278. The Commission is not empowered to adjudicate constitutional claims or alleged violations of state and local codes or ordinances.

IT IS THEREFORE ORDERED that:

1. Count I and Count III of the complaint be and they hereby are dismissed for lack of subject matter jurisdiction.

2. Pursuant to 807 KAR 5:001, Section 12, defendant shall satisfy Count II of the complaint or file a written answer to Count II of the complaint within 10 days from the date of service of this Order.

Done at Frankfort, Kentucky, this 29th day of July, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director